

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF PENNSYLVANIA

David A. Schmoutz,

Plaintiff,

v.

Hartford Life and Accident Insurance Company,

Defendant.

CIVIL DIVISION

CASE NO.: 2:23cv28

Judge

COMPLAINT

FILED ON BEHALF OF:
PLAINTIFF:
David A. Schmoutz

COUNSEL FOR THIS PARTY:

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COMPLAINT

Parties

1. Plaintiff, David A. Schmoutz, is an individual with an address of 654 Riverview Drive, Dravosburg, PA 15034.
2. Defendant, Hartford Life and Accident Insurance Company, is a long term disability insurer, licensed to do business in the Commonwealth of Pennsylvania, with an address of One Hartford Plaza, Hartford, CT 06155.

Jurisdiction

3. This action is brought under, and jurisdiction of this matter is vested in this Court through the *Employee Retirement Income Security Act* (ERISA), and specifically 29 U.S.C. 1132(e), 502(e) wherein the district courts of the United States shall have exclusive jurisdiction of civil actions under this title brought by the Secretary or by a participant, beneficiary, fiduciary, or any person referred to in ERISA.
4. Venue is proper because Defendant, Hartford Life and Accident Insurance Company, regularly conducts business in this District.

History of Case

5. This action stems from a policy of long term disability insurance administered by Defendant in which Plaintiff was an insured.
6. David A. Schmoutz was an employee of Catholic Benefits Trust- Diocese of Pittsburgh and was insured under a policy of long term disability insurance with the Defendant.

7. David A. Schmoutz, was approved for long term disability benefits effective May 8, 2017.
8. Due to significant medical ailments including, but not limited to, esophageal cancer, David A. Schmoutz has remained fully disabled.
9. Hartford Life and Accident Insurance Company terminated long term disability benefits to Plaintiff effective August 1, 2019.
10. Said termination of long term disability benefits was illegal and unreasonable.
11. All administrative appeals have been exhausted.
12. Significant medical evidence was presented to Defendant outlining the nature and extent of David A. Schmoutz's disability. Notwithstanding this medical evidence, Defendant continued to illegally deny Plaintiff long term disability benefits.

Prayer for Relief

WHEREFORE, David A. Schmoutz prays for the following relief:

- a. Judgment in favor of Plaintiff and against the Defendant for the amount of all benefits due and owing under the plan with interest as may be permitted by the Court;
- b. An award by the Court for reasonable attorney's fees and costs as provided under the ERISA law, found at section 1132(g), *et seq*; and
- c. Any other legal or equitable relief as the Court deems appropriate.

Submitted by:

/s/Francis M. Moore
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